

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend, on an emergency basis, the Old Morgan School Place Designation Act of 2005 to change a segment of Old Morgan School Place, N.W., back to its original name of Champlain Street, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Old Morgan School Place, N.W. Renaming Emergency Amendment Act of 2010".

Sec. 2. Section 2(2) of the Old Morgan School Place Designation Act of 2005, effective March 8, 2006 (D.C. Law 16-52; 53 DCR 1), is amended by striking the phrase, "and the adjacent north-south portion of Champlain Street, N.W., that intersects Florida Avenue, N.W., between Square 2558 and 2562".

Note,
§ 9-204.01

Sec. 3. Fiscal impact statement.

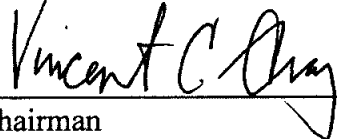
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

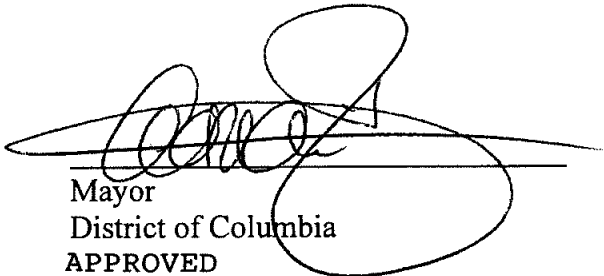
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code §, 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
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To amend, on an emergency basis, An act to provide for the organization of the militia of the District of Columbia to establish the authority for the District of Columbia National Guard to provide tuition assistance benefits currently reserved for new recruits to all members of the District of Columbia National Guard who are District residents.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Guard Tuition Assistance Clarification Emergency Amendment Act of 2010".

Sec. 2. An act to provide for the organization of the militia of the District of Columbia, approved March 1, 1889 (25 Stat. 772; D.C. Official Code § 49-101 *et seq.*), is amended by adding a new section 77 to read as follows:

"Sec. 77. Any funds contributed by the District of Columbia to the District of Columbia National Guard Tuition Assistance Program may be utilized, at the discretion of the District of Columbia National Guard, for tuition assistance benefits for all members or for new recruits; provided: that the member or new recruit is a resident of the District of Columbia."

Sec. 3. Fiscal impact statement.

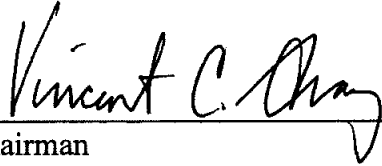
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

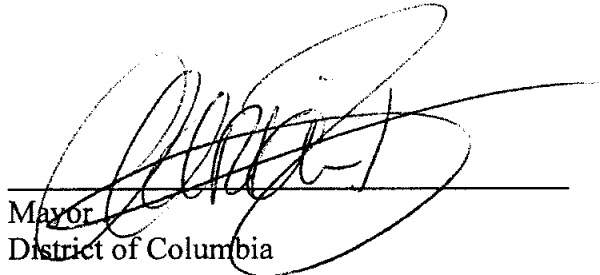
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section.

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved
January 25, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-286

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2010*Codification
District of
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2001 Edition

2010 Summer
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To amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide real property tax exemptions, and to provide an exemption from permit fees and other financial impositions, with respect to The Heights on Georgia Avenue Project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Heights on Georgia Avenue Tax Exemption Act of 2010".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47- 4627. The Heights on Georgia Avenue; Lots 98, 903, 904, 908, and 911, Square 2892."

(b) A new section 47-4627 is added to read as follows:

"§ 47- 4627. The Heights on Georgia Avenue; Lots 98, 903, 904, 908, and 911, Square 2892.

"(a) For the purposes of this section, the term:

"(1) "Affordable Units" means residential units affordable to households with incomes between 60% and 80% of the area median income of the Washington, D.C. metropolitan statistical area as determined annually by the United States Department of Housing and Urban Development, or its successor agency, which units shall comprise no less than 1/2 of the total number of units in The Heights on Georgia Avenue Project.

"(2) "Housing Element" means residential units, which shall be not less than 65 in total, and accessory parking in The Heights on Georgia Avenue Project.

"(3) "The Heights on Georgia Avenue Developer" means the person (or any successor in interest) who will develop The Heights on Georgia Avenue Project with Affordable Units above first-floor retail. The term "The Heights on Georgia Avenue Developer" shall not include any owner or operator of the first-floor commercial or retail space and shall not apply to any subsequent owner of a residential condominium unit in The Heights on Georgia Avenue Project.

New
§ 47-4627

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“(4) “The Heights on Georgia Avenue Project” means a residential and retail mixed-use project, including at least 65 residential units, constructed on the following lots in Square 2892: Lots 98, 903, 904, 908, and 911 (which may be expanded to include Lots 875 and 114) and the alley between them (or as the land for such lots and the alley may be subdivided into a record lot or lots or assessment and taxation lots, condominium lots, or any combination in the future).

“(b) Beginning on the 1st day of the half tax year immediately following the date on which site preparation begins, as evidenced by either the issuance of a demolition permit, grading permit, or excavation permit, whichever is issued first, the Housing Element shall be exempt from real property taxation under Chapter 8 of this title; provided, that the following occurs:

“(1) The first level of concrete shall be laid for The Heights on Georgia Avenue Project by December 31, 2010;

“(2) A certificate of occupancy for the Housing Element shall have been issued within 24 months after the first level of concrete has been laid; and

“(3) The Affordable Units shall be registered online within 60 days of issuance of the certificate of occupancy for the Housing Element on the housing locator at www.dchousingsearch.org, and the Department of Housing and Community Development issues a written certification that the units are registered and will be monitored for compliance.

“(c) For each deadline set forth in subsection (b) of this section, one 6-month extension may be granted at the discretion of the Mayor.

“(d) If the deadlines set forth in subsection (b) of this section, as they may be extended by the Mayor as provided in subsection (c) of this section, are not met, The Heights on Georgia Avenue Developer shall pay to the District a sum equal to the amount of real property tax that would have been imposed on The Heights on Georgia Avenue Project in the absence of the exemption provided in subsection (b) of this section.

“(e) The exemption from real property taxation provided in subsection (b) of this section shall expire on the date that is the last day of the half tax year immediately following the earlier of:

“(1) The passage of 30 years; or

“(2) The date on which the Housing Element no longer has at least 50% of the total units of The Heights on Georgia Avenue Project designated for use as Affordable Units.

“(f) For the purposes of § 47-831(b), the owner shall have a duty to inform the Office of Tax and Revenue when the Housing Element is no longer entitled to the exemption granted by subsection (b) of this section.

“(g) Notwithstanding any other provision of law, no fees shall be charged to The Heights on Georgia Avenue Developer for any permits related to the construction of The Heights on Georgia Avenue Project, including private space or building permit fees or public space permit fees. The exemption provided by this subsection shall not include inspection fees for such permits, condominium registration application fees, or condominium conversion fees.”.

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Sec. 3. Applicability.

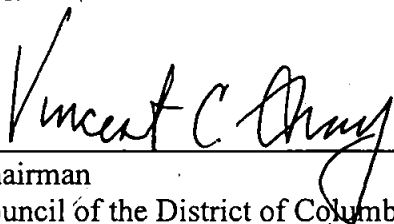
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

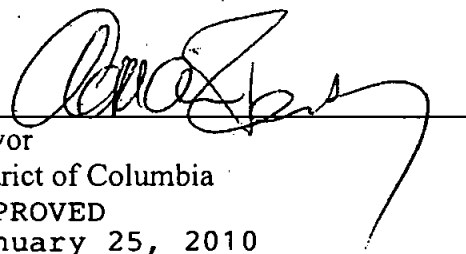
The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 14, 2009, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 25, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-287

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2010*Codification
District of
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To amend Title III of the Washington Metropolitan Area Transit Regulation Compact, known as the Washington Metropolitan Area Transit Authority Compact, to clarify and amend sections of the Compact regarding Board Membership, Officers, and Payments, including amendments to clarify that the Administrator of General Services appoints the federal government representatives, to create an inspector general as an officer of the Washington Metropolitan Area Transit Authority, and to require that one of the federally appointed directors be a regular passenger and customer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "WMATA Compact Amendment Act of 2010".

Sec. 2. Title III of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), is amended as follows:

Note,
§ 9-1107.01

(a) Section 5 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the phrase "of 6 Directors" and insert the phrase "of 8 Directors" in its place.

(B) Strike the phrase "Signatory. For Virginia," and insert the phrase "Signatory, and 2 for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia," in its place.

(C) Strike the phrase "and for Maryland, by the Washington Suburban Transit Commission" and insert the phrase "for Maryland, by the Washington Suburban Transit Commission; and for the federal government, by the Administrator of General Services" in its place.

(D) Strike the phrase "body. A Director" and insert the phrase "body. A Director for a Signatory" in its place.

(E) Strike the phrase "The appointing authorities shall also appoint an alternate for each Director, who may act only" and insert the phrase "The nonfederal appointing

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authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint 2 nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only" in its place.

(F) Strike the phrase "Each alternate shall serve" and insert the phrase "Each alternate, including the federal nonvoting Directors, shall serve" in its place.

(2) Subsection (b) is amended by striking the phrase "of the signatory" and inserting the phrase "of the Government" in its place.

(b) Section 9 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the phrase "comptroller and" and insert the phrase "comptroller, an inspector general, and" in its place.

(B) Strike the phrase "manager and" and insert the phrase "manager, inspector general, and" in its place.

(2) Redesignate subsections (d) and (e) as subsections (e) and (f), respectively.

(3) A new subsection (d) is added to read as follows:

"(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action."

(c) Section 18 is amended by adding a new subsection (d) to read as follows:

"(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized by Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (Pub. L. No. 110-432; 122 Stat. 4848), regarding funding of capital and preventive maintenance projects of the Authority shall be made from amounts derived from dedicated funding sources.

"(2) For the purposes of this subsection, a "dedicated funding source" means any source of funding that is earmarked or required under state or local law to be used to match federal appropriations authorized under Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (Pub. L. No. 110-432; 122 Stat. 4848), for payments to the Authority."

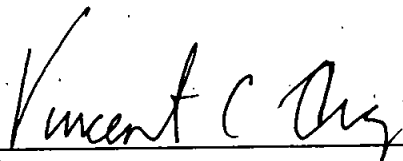
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

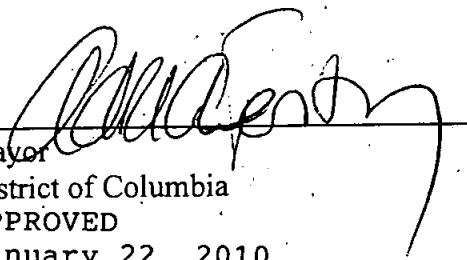
ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2010

ENGROSSED ORIGINAL

AN ACT

D.C. ACT 18-288

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2010

To amend the District of Columbia Municipal Regulations to provide for the issue of custom license plates for members of the State Board of Education.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "State Board of Education License Plate Amendment Act of 2010".

Sec. 2. Subsection 416.12 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 416.12), is amended as follows:

DCMR

(a) Paragraph (b) is amended by striking the word "and".

(b) Paragraph (c) is amended by striking the phrase "United States Congress." and inserting the phrase "United States Congress; and" in its place.

(c) A new paragraph (d) is added to read as follows:

"(d) For tags assigned to members of the State Board of Education, bearing either the identification "Board of Education, At-Large" or "Board of Education, Ward 1" through "Board of Education, Ward 8," inclusive, or any other designation chosen by the Mayor to demonstrate membership in the State Board of Education."

Sec. 3. Fiscal impact statement.

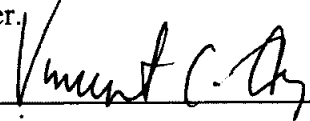
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

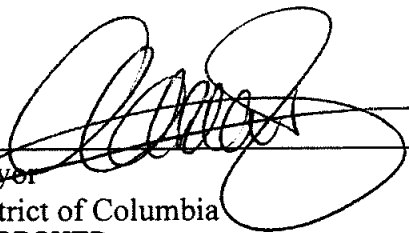
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-289

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2010*Codification
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2010 Summer
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To establish the 51st State Commission to advocate for, and promote the proposition of, statehood for the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "51st State Commission Establishment Act of 2010".

Sec. 2. Establishment of the 51st State Commission.

(a) There is established the 51st State Commission ("Commission"), which shall educate regarding, advocate for, promote, and advance the proposition of, statehood for the District of Columbia to District residents and citizens of the 50 states of the United States and conduct a full and complete study of the necessary and appropriate legislation and administrative action that must be taken to establish the District of Columbia as a state of the United States of America with all constitutional rights. The Commission shall be comprised of:

(1) The Delegate to the House of Representatives from the District of Columbia, or his or her designee;

(2) The Mayor, or his or her designee;

(3) Members of the Council, including the Chairman of the Council, or their designees;

(4) The United States Senators and United States Representative elected pursuant to section 4(d) of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1908 (D.C. Law 3-171; D.C. Official Code §1-123(d)), or their designees;

(5) A Commission Chairman with a background in constitutional law to be elected by members of the Commission;

(6) One member from each ward, appointed by the corresponding ward Councilmember, with a background in constitutional law or history or with demonstrated experience promoting District of Columbia statehood efforts; and

(7) The Executive Director of the Washington, D.C. Historical Society.

(b)(1) Each Commission member appointed pursuant to subsection (a)(6) of this section shall serve for a term which shall run concurrent with the Council period of the Council in which he or she was appointed.

(2) A vacancy on the Commission shall be filled in the same manner as the original

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appointment was made for the remaining balance of the term.

(3) Members shall serve without compensation.

(c) The Commission shall elect an Executive Board consisting of 9 members, including the Commission Chairman, which shall be responsible for:

(1) Presiding over and conducting all Commission meetings; and

(2) Preparing and assembling all final reports, findings, and recommendations.

(d) The Commission shall:

(1) Give special consideration to the relationship that should be developed to secure and maintain any special federal interest in the new state;

(2) Submit to the United States Congress and the Council detailed reports with findings and recommendations within 180 days of the Commission's 1st meeting for the establishment of the new state; and

(3) Recommend programs and other initiatives that educate and promote efforts regarding the need for statehood for the District of Columbia.

Sec. 3. Operations of the 51st State Commission.

(a) Within 45 days after the effective date of this act, the Mayor and the Council shall appoint the respective members of the Commission.

(b) Within 90 days after the effective date of this act, the Commission shall adopt rules and procedures governing its meetings and decision-making processes.

(c) The Commission shall hold a minimum of 6 meetings during each fiscal year.

(d) The Commission shall hold its initial organizational meeting upon the appointment of $\frac{3}{4}$ of the Commission members.

Sec. 4. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

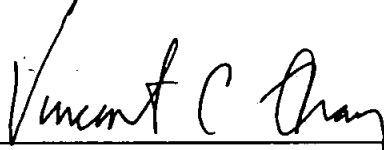
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 6. Effective date.

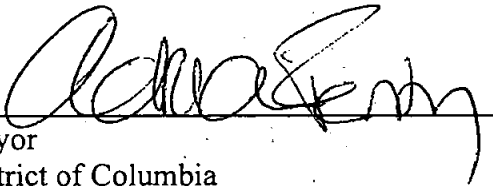
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

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1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 25, 2010

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AN ACT

D.C. ACT 18-290

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2010*Codification
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To amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide for tax exemptions for the Park Place at Petworth project located on Lot 44, Square 2910, the Highland Park project located on Lot 884, Square 2672, and the Highland Park Phase II project located on Lot 726, Square 2672.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Park Place at Petworth, Highland Park, and Highland Park Phase II Economic Development Act of 2010".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4624. Park Place at Petworth, Highland Park, and Highland Park Phase II Project tax exemptions."

(b) A new section 47-4624 is added to read as follows:

"§ 47-4624. Park Place at Petworth, Highland Park, and Highland Park Phase II Project tax exemptions.

"(a) For the purposes of this section, the term:

"(1) "AMI" means the median income for the Washington, D.C. metropolitan area.

"(2) "Developer" means CJUF II Park Place at Petworth, LLC, CHVP26, LLC, or Highland Park West, LLC, and their successors, affiliates, and assigns, either collectively or individually.

"(3) "Park Place at Petworth, Highland Park, and Highland Park Phase II Projects" means the acquisition, development, construction, installation, and equipping, including the financing, refinancing, or reimbursing of costs incurred, of the mixed-use multi-family residential and retail projects located at 850 Quincy Street, N.W., the southwest corner of Irving Street and 14th Street, N.W., and 1444 Irving Street, N.W., either collectively or individually, consisting of:

"(A) For Park Place at Petworth:

New
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“(i) A condominium/apartment house of 161 units totaling approximately 138,899 square feet of net residential floor area, including a minimum of 27,780 square feet devoted to affordable housing, with 5% of net residential square foot area for residents with an income not exceeding 30% of AMI, 10% of net residential square foot area for residents with an income not exceeding 50% of AMI, and 5% of net residential square foot area for residents with an income not exceeding 60% of AMI;

“(ii) Approximately 17,200 square feet of retail space; and

“(iii) A below-grade parking garage;

“(B) For Highland Park:

“(i) A condominium/apartment house of 229 units totaling approximately 206,490 square feet of net residential floor area, including a minimum of 41,298 square feet devoted to affordable housing, with 5% of net residential square foot area for residents with an income not exceeding 30% of AMI, 5% of net residential square foot area for residents with an income not exceeding 60% of AMI, and 10% of net residential square foot area for residents with an income not exceeding 80% of AMI;

“(ii) Approximately 17,069 square feet of net retail space; and

“(iii) A below-grade parking garage;

“(C) For Highland Park Phase II: A condominium/apartment house with a minimum of 69 units, totaling a minimum of 63,221 square feet net rentable square feet of residential area, including a minimum of 12,644 square feet of the gross residential floor area being devoted to affordable housing, with 5% of net residential square foot area for residents with an income not exceeding 30% of AMI, 5% of net residential square foot area for residents with an income not exceeding 60% of AMI, and 10% of net residential square foot area for residents with an income not exceeding 80% of AMI, and a community-based residential facility with 82 beds and approximately 26,429 gross square feet of building area.

“(4) Park Place at Petworth, Highland Park, and Highland Park Phase II Properties” means the real property, including any improvements constructed thereon, located on Lot 44, Square 2900, as recorded on Page 76, Book 199 in the Office of the Surveyor for the District of Columbia; located on Lot 884 (Part of Lot 727), Square 2672, as recorded on Page 9, Book 199 in the Office of the Surveyor for the District of Columbia; and located on Lot 726, Square 2672, recorded in Page 9, Book 199 (or as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots, condominium lots, air rights lots, or any combination in the future), either collectively or individually.

“(b) The Park Place at Petworth, Highland Park, and Highland Park Phase II Properties shall be exempt from real property taxation under Chapter 8 of this title for 20 consecutive years as follows: 10 years at 100% and a 10% increase in years 11 through 20 until the annual real property taxation equals 100%.

“(c) The tax exemption pursuant to subsection (b) of this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the Park Place at Petworth, Highland Park, and Highland Park Phase II Projects, the Park Place at Petworth, Highland Park, and the Highland Park Phase II Properties, or the developer.

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"(d) This section shall not:

"(1) Prevent or restrict the developer from utilizing any other tax, development, or other economic incentives available to the Park Place at Petworth, Highland Park, and the Highland Park Phase II Projects, the Park Place at Petworth, Highland Park, and Highland Park Phase II Properties, or the developer.

~~"(2) Limit the owner of the Park Place at Petworth, Highland Park, or the Highland Park Phase II Properties from appealing or contesting its real estate tax assessment."~~

Sec. 3. Applicability.

(a) This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

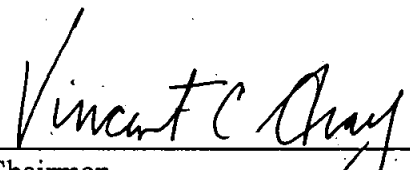
(b) Section 2 shall apply to tax years beginning October 1, 2008.

Sec. 4. Fiscal impact statement.

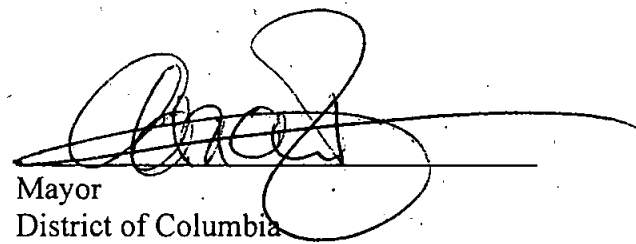
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 25, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-291

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned by Affordable Housing Opportunities, Inc., and its affiliates, which is to be developed as extremely low-income housing; and to provide for equitable real property tax relief for Affordable Housing Opportunities, Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Affordable Housing Opportunities Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation at the end to read as follows:

"47-1083. Affordable Housing Opportunities, Inc. residential rental project; Lot 800, Square 5984, and Lot 916, Square 5730."

(b) A new section 47-1083 is added to read as follows:

"§ 47-1083. Affordable Housing Opportunities, Inc. residential rental project; Lot 800, Square 5984, and Lot 916, Square 5730.

"The real properties described as Lot 800, Square 5984, and Lot 916, Square 5730, owned by Affordable Housing Opportunities, Inc., or by an entity controlled, directly or indirectly, by Affordable Housing Opportunities, Inc., shall be exempt from real property taxation so long as the real properties continue to be owned by Affordable Housing Opportunities, Inc., or by an entity controlled, directly or indirectly, by Affordable Housing Opportunities, Inc., or continue to be under applicable use restrictions during a federal low-income housing tax credit compliance period, and not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009."

New
§ 47-1083

Sec. 3. Equitable real property tax relief.

The Council orders that all real property taxes, interest, penalties, fees, and other related charges assessed against Affordable Housing Opportunities, Inc., or by an entity controlled,

ENROLLED ORIGINAL

directly or indirectly, by Affordable Housing Opportunities, Inc. on real property located at Lot 800, Square 5984, and Lot 916, Square 5730, for the period beginning January 1, 2008, be forgiven, and any payments already made for this period, as of the effective date of this act, be refunded.

Sec. 4. Applicability.

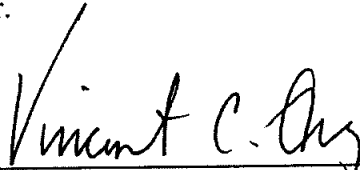
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

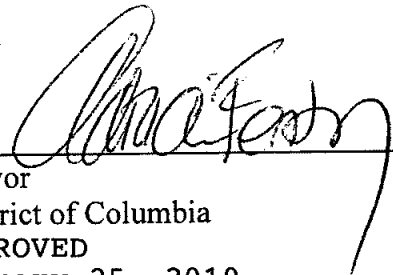
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 25, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-292

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend the Advisory Neighborhood Councils Act of 1975 to replace a member of an Advisory Neighborhood Commission by operation of law when there is only one person qualified to fill a vacancy, to provide that an election to fill a vacancy may be held at a special meeting if there is more than one person qualified to fill a vacancy, and to provide that a member's original letter of resignation be sent to the Board of Election and Ethics.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Advisory Neighborhood Commission Vacancy Amendment Act of 2010".

Sec. 2. Section 8 of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.06), is amended as follows: Amend § 1-309.06

(a) Subsection (d)(6) is amended as follows:

(1) Subparagraph (C) is amended by striking the phrase "appointment to" and inserting the phrase "membership on" in its place.

(2) Subparagraph (D) is amended to read as follows:

"(D) If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person and the Board shall certify the filling of the vacancy by publication in the District of Columbia Register."

(3) Subparagraph (E) is amended by striking the phrase "scheduled meeting" and inserting the phrase "scheduled or special meeting" in its place.

(b) Subsection (f)(1) is amended to read as follows:

"(f)(1) Any member of an Advisory Neighborhood Commission who resigns from the single-member district from which he or she is elected shall submit a letter of resignation to the Board of Elections and Ethics and a copy of the letter to the Council, the Mayor, the Office of Advisory Neighborhood Commissions, the Chairperson of the member's Advisory Neighborhood Commission, and the Vice Chairperson of the member's Advisory Neighborhood Commission. The Board of Elections and Ethics shall then declare the vacancy."

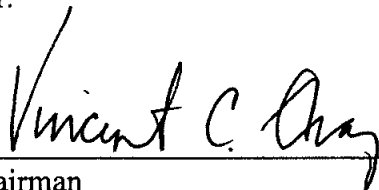
ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

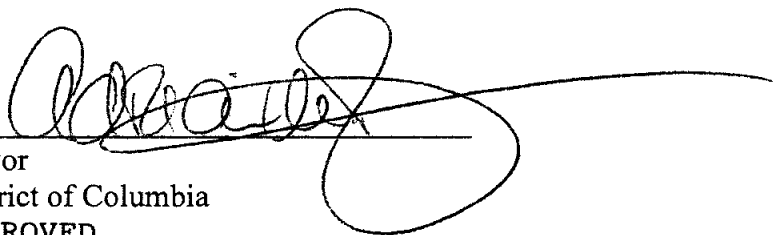
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

January 25, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-293

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend the District of Columbia Housing Authority Act of 1999 to expand the District of Columbia Housing Authority Board of Commissioners by adding an additional resident commissioner and a representative from the housing advocacy community.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Housing Authority Board of Commissioners Amendment Act of 2010".

Sec. 2. Section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), is amended as follows:

Amend
§ 6-211

(a) Subsection (a) is amended as follows:

(1) The lead-in language is amended by striking the number "9" and inserting the number "11" in its place.

(2) A new paragraph (2A) is added to read as follows:

"(2A) One resident Commissioner, nominated by the Mayor, with the advice and consent of the Council by resolution;"

(3) Paragraph (3) is amended by striking the word "and" at the end.

(4) Paragraph (4) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(5) A new paragraph (5) is added to read as follows:

"(5) One Commissioner who shall be a housing advocacy representative named by the D.C. Consortium of Legal Services Providers, except that the Commissioner shall not be an employee of the Authority."

(b) Subsection (b) is amended by adding the phrase "pursuant to subsection (a)(1) of this section" after the phrase "nominated by the Mayor".

(c) Subsection (m) is amended by adding the phrase "nominated pursuant to subsection (a)(1) of this section" after the phrase "his or her 4 nominees".

(d) Subsection (o) is amended as follows:

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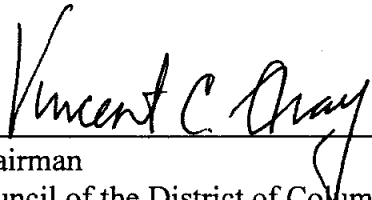
- (1) Strike the word "Elected" the first time it appears and insert the word "Resident" in its place.
- (2) Strike the phrase "an elected" wherever it appears and insert the phrase "a resident" in its place.
- (3) Strike the phrase "the elected" and insert the phrase "the resident" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 25, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-294

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend the PILOT Authorization Increase and Arthur Capper/ Carrollsburg Public Improvements Revenue Bonds Approval Act of 2006 to allocate additional funds to the payment of debt services for the bonds and to approve the revised Capper/Carrollsburg PILOT Agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Arthur Capper/ Carrollsburg Public Improvements Revenue Bonds Amendment Act of 2010".

Sec. 2. The PILOT Authorization Increase and Arthur Capper/ Carrollsburg Public Improvements Revenue Bonds Approval Act of 2006, effective March 8, 2007 (D.C. Law 16-244; 54 DCR 609), is amended as follows:

(a) Section 201 is amended to read as follows:

"Sec. 201. Definitions.

"For the purposes of this title, the term:

"(1) "Available Increment" means, for any fiscal year of the District, the sum of the Available Real Property Tax Increment and the Available Sales Tax Increment, as defined in the Reserve Agreement; provided, that the Available Increment shall not include the Available Real Property Tax Increment or the Available Sales Tax Increment derived from the Gallery Place Project or the Mandarin Project (as defined in the Tax Increment Revenue Bond Downtown TIF Area Base Year Emergency Approval Resolution of 2002, effective February 5, 2002 (Res. 14-364; 49 DCR 1255), except to the extent that the Available Real Property Tax Increment or the Available Sales Tax Increment has been released from the lien of the respective indenture for these projects; provided, that following any allocation of the Footprint Increment with respect to a Future Downtown Project, such Footprint Increment shall be excluded from the Available Increment; provided further, that to the extent all or part of the Available Real Property Tax Increment and the Available Sales Tax Increment has been committed exclusively for another purpose, the amount committed shall be excluded from Available Increment.

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“(2) “Available Real Property Tax Increment” means, for any fiscal year of the District, 100% of the real property tax increment in respect of the Downtown TIF Area, being that portion of the real property tax levied pursuant to Chapter 8 of Title 47 of the District of Columbia Code and payments lieu of real property taxes, exclusive of the special real property tax authorized by section 481 of the Home Rule Act, attributable to the difference, if any, between the aggregate assessed value for such fiscal year of all lots of commercial real property within the Downtown TIF Area and the aggregate assessed value of all lots of Commercial Real Property within the Downtown TIF Area in effect on January 1, 1999.

“(3) “Available Sales Tax Increment” means, for any fiscal year of the District, 100% of the sales tax increments in respect of the Downtown TIF Area, being the revenues resulting from the imposition of tax on sales imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Code, including penalties and interest charges, exclusive or the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08), from sales at locations within the Downtown TIF Area in each fiscal year of the District, less the amount of sales tax revenues for such sales at such locations in Fiscal Year 1999.

“(4) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) authorized to be issued from time to time pursuant to this act.

“(5) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

“(6) “Budgeted Reserve” means, for any fiscal year of the District, an amount not to exceed \$15 million, equal to the Debt Service (including Debt Service due and unpaid from any prior fiscal year) payable on equal to the Debt Service (including Debt Service due and unpaid from any prior fiscal year) payable on all of the outstanding Gallery Place Bonds and Mandarin Bonds in such fiscal year.

“(7) “Capper/Carrollsbury HOPE VI Project” means the redevelopment of a 23-acre public housing complex in the southeast quadrant of the District by DCHA pursuant to a grant and other financing agreements with the United States Department of Housing and Urban Development.

“(8) “Capper/Carrollsbury PILOT” or “PILOT” means the payment in lieu of taxes from the Capper/Carrollsbury PILOT Area pursuant to the Capper/Carrollsbury PILOT Agreement.

“(9) “Capper/Carrollsbury PILOT Agreement” means the PILOT agreement described in section 202(b) and approved under section 203.

“(10) “Capper/Carrollsbury PILOT Area” means land in the southeast quadrant of the District located in Lots 0045, 0046, 0047, and 0048, Square 799; Lots 0020, 0025, 0026, 0027, 0028, 0816, 0818, 0819, and 0820, Square 800; Lots 0037, 0038, and 0039, Square 824; all lots in Squares 737, 739, 767, 768, 769, 797, 798, 825, S825, and 882; any portion of the

ENROLLED ORIGINAL

land known as Reservation 17A which becomes part of Square 737 or 739; and land consisting of streets or alleys located within the Capper/Carrollsborg PILOT Area upon abandonment thereof and reversion to a square or lot included in the Capper/Carrollsborg PILOT Area.

"(11) "Capper/Carrollsborg PILOT Fund" means the nonlapsing fund established under section 204.

"(12) "Capper/Carrollsborg Public Improvements" means the infrastructure, including streets, sidewalks, walkways; streetscapes, curbs and gutters, gas, electric and water utility lines, and other publicly-owned infrastructure, and the relocation, construction, and redevelopment of certain public facilities located within or serving the Capper/Carrollsborg PILOT Area.

"(13) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

"(14) "DCHA" means the District of Columbia Housing Authority.

"(15) "DCHA bonds" means the revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) issued by or on behalf of DCHA secured by bonds authorized by this act.

"(16) "Development costs" means all costs and expenses incurred by or on behalf of the District of Columbia or DCHA relating to the development, redevelopment, purchase, acquisition, protection, financing, construction, expansion, reconstruction, restoration, rehabilitation, renovation, repair, furnishing, equipping, and operating of the Capper/Carrollsborg Public Improvements, including:

"(A) The costs of demolishing or removing buildings or structures on, and site preparation of, land acquired or used for, or in connection with, the Capper/Carrollsborg Public Improvements;

"(B) Costs of relocation, construction, and redevelopment of the Capper/Carrollsborg Public Improvements;

"(C) Expenses incurred for utility lines, structures, or equipment charges;

"(D) Interest prior to, and during, construction and for a period as may be necessary for the operation of the Capper/Carrollsborg Public Improvements;

"(E) Provisions for reserves for principal and interest, capitalized interest, and extraordinary repairs and replacements;

"(F) Expenses incurred for architectural, engineering, energy efficiency technology, design and consulting, financial, and legal services;

"(G) Fees for letters of credit, bond insurance, debt service reserve insurance, surety bonds, or similar credit or liquidity enhancement instruments;

"(H) Costs and expenses associated with the conduct and preparation of specification and feasibility studies, plans, surveys, historic structure reports, and estimates of expenses and revenues;

"(I) Expenses necessary or incident to issuing the bonds and DCHA

ENROLLED ORIGINAL

bonds and determining the feasibility and the fiscal impact of financing the acquisition, construction, or redevelopment of the Capper/Carrollsborg Public Improvements; and

“(J) The provision of a proper allowance for contingencies and initial working capital.

“(17) "Financing Costs" means issuance costs as defined in D.C. Official Code § 47-340.01(14), including such costs incurred by or on behalf of DCHA with respect to the Capper/Carrollsborg Public Improvements and DCHA bonds.

“(18) "Financing Documents" means closing documents as the term is defined in D.C. Official Code § 47-340.01(6), and financing documents as the term is defined in D.C. Official Code § 47-340.01(11), including any offering document, and any required supplements to any such documents, that relate to the financing, refinancing, or reimbursement of the costs of the Capper/Carrollsborg Public Improvements.

“(19) "Footprint Increment" means for any fiscal year of the District, the sum of”

“(A) An amount not to exceed 100% (as set forth in the resolution of the Council approving the applicable Future Downtown Project) of that portion of the real property tax levied pursuant to Chapter 8 of Title 47 of the District of Columbia Official Code and payments in lieu of real property taxes, exclusive of the special real property tax, attributable to the difference, if any, between the aggregate assessed value during such fiscal year of all lots of commercial real property included in the site of such Future Downtown Project and the aggregate assessed value of all lots of commercial real property included in such site in effect on the effective date of the allocation to the Future Downtown Project as stated in the applicable Council resolution; plus

“(B) An amount not to exceed 100% (as set forth in the resolution of the Council approving the applicable future Downtown Project) of the tax revenues resulting from the imposition of the taxes imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code on sales at locations included in the site of such Future Downtown Project, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08), less the amount of the sales tax revenues from such sales at such locations for the fiscal year prior to the year in which the Council approves such Future Downtown Project.

“(20) "Future Downtown Project" means an eligible project located in the Downtown TIF Area, other than the Gallery Place Project and the Mandarin Project, and certified and approved in accordance with the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01 *et seq.*).

“(21) "Gallery Place Bonds" means the \$73,650,000 District of Columbia (Washington, DC) Tax Increment Revenue Bonds (Gallery Place Project Issue) Series 2002.

“(22) "Home Rule Act" means the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

"(23) "Mandarin Bonds" means the \$45,995,387.40 District of Columbia (Washington, DC) Mandarin Oriental Hotel Project Tax Increment Revenue Bonds Series 2002.

"(24) "PILOT improvements" means the improvements located on the real property located at Lots 0074 and 0075, Square 737, and Lot 0021, Square 769, but excluding any portion of the land known as Reservation 17A which becomes part of Square 737, and land consisting of streets or alleys located within the Capper/Carrollsbury PILOT Area upon abandonment thereof and reversion to Square 737 or 769 or lot included in Square 737 or 769.

"(25) "PILOT improvement payments" means the excess of the payments in lieu of real property taxes payable pursuant to D.C. Official Code § 47-4611 and allocable to the PILOT improvements, over an amount equal to the special tax provided for in section 481 of the Home Rule Act.

"(26) "Pledged PILOT payments" means the sum of:

"(A) Payments in lieu of real property taxes (including any penalties and interest charges) from the Capper/Carrollsbury PILOT Area (other than the PILOT improvements) payable pursuant to D.C. Official Code § 47-4611; and

"(B) The PILOT improvement payments.

"(27) "Reserve Agreement" means the Reserve Agreement, dated April 1, 2002, by and among the District, Wells Fargo Bank Minnesota, N.A., and Financial Security Assurance, Inc."

(b) Section 202 is amended as follows:

(1) Subsection 202(c)(1) is amended to read as follows:

"(c)(1) The bonds may be issued directly by the District or may be issued in the form of a PILOT Note to DCHA, or its designee, in which case the PILOT Note may secure the DCHA bonds or otherwise be applied to finance, refinance, or reimburse development costs of the Capper/Carrollsbury Public Improvements."

(2) Subsection (h) is amended as follows:

(A) Designate the existing text as paragraph (1).

(B) The newly designated paragraph (1) is amended by striking the phrase "and income realized" and inserting the phrase "other moneys, that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, other sources of payment (other than the District), and income realized" in its place.

(C) A new paragraph (2) is added at the end to read as follows:

"(2) There is further allocated to the payment of debt service on a principal amount of bonds not to exceed \$32 million (and the funding of reserves for such purposes) the Available Increment, subordinate to the allocation of the Available Increment to the Budgeted Reserve, to be used for the payment of debt service on the bonds (and the funding of reserves for such purpose) to the extent that the revenues allocated in paragraph (1) of this subsection are inadequate to pay debt service on (and the funding of reserves for) the bonds."

ENROLLED ORIGINAL

Sec. 3. Approval of revised Capper/Carrollsborg PILOT Agreement.

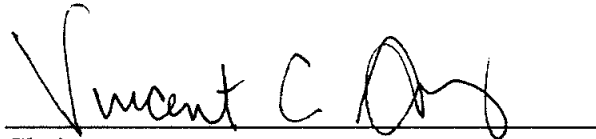
The Council approves the execution of revised Capper/Carrollsborg PILOT Agreement in substantially the form that has been transmitted to the Council.

Sec. 4. Fiscal impact statement.

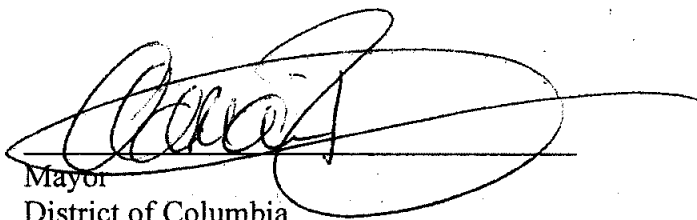
The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 10, 2009, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)) and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

January 25, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-295

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend Chapter 46 of Title 47 of the District of Columbia Code to provide an abatement of real property taxes on real property used by high technology commercial real estate database and services providers; to provide for the funding of the abatements under this act; and to require the Mayor to develop a comprehensive strategy to attract businesses to the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "High Technology Commercial Real Estate Database and Service Providers Tax Abatement Act of 2010".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4626. Tax abatements for high technology commercial real estate database and service providers."

(b) A new section 47-4626 is added to read as follows:

"§ 47-4626. Tax abatements for high technology commercial real estate database and service providers.

New
§ 47-4626

"(a) For the purposes of this section, the term:

"(1) "High technology commercial real estate database and service provider" means a business entity that provides access to clients via the Internet to its database of commercial real estate information throughout the United States.

"(2) "Priority development area" means:

"(A) A priority development area as defined in § 47-3801(1A);

"(B) A high technology development zone as defined in § 47-1817.06(a)(2);

"(C) The Southeast Federal Center/Navy Yard Area, which shall consist of land within the boundary description beginning at the intersection of Interstate 395/295

ENROLLED ORIGINAL

(SW/SE Freeway), and the Anacostia River Waterfront, S.W.; northwest to 14th Street, S.W.; south on 14th Street, S.W., to the Washington Channel Waterway; east along Washington Channel to the Anacostia River eastern banks; and adjacent areas encompassing the public housing and residential parcels adjacent to the Navy Yard, 8th Street commercial corridor, Marine Barracks, and Buzzards Point area.

(3) "Real property" shall have the same meaning as in § 47-802.

"(b) Subject to subsections (f), (g), and (h) of this section, the real property taxes imposed by Chapter 8 of this title with respect to real property purchased or leased and occupied by a high technology commercial real estate database and service provider shall be fully abated for 10 years, beginning the first day of the tax year following the purchase of the real property or the execution of the lease of the real property; provided, that:

"(1) The real property continues to be occupied by the high technology commercial real estate database and service provider during the duration of the abatement period and is located in a priority development area;

"(2) If the real property is leased, the lease for the real property is for a period of at least 10 years;

"(3) The total combined abatements under this section shall not exceed:

"(A) \$700,000 per fiscal year; and

"(B) \$6.185 million total over 10 years;

"(4) The company receiving the benefit of the abatement:

"(A) Is a high technology commercial real estate database and service provider;

"(B) Employs a minimum of 250 employees within the District; and

"(C) Shall have entered into an agreement with the Department of Small and Local Business Development requiring that any tenant design, build-out, and improvements within the tenant's leased or owned space receiving the tax abatement be contracted with certified local, small, and disadvantaged business enterprises, as certified in accordance with § 2-218.01, for at least 35% of the contract dollar volume of the design, build-out, and improvements;

"(5) If the real property is leased, the real property owner shall pass through the abatement to the high technology commercial real estate database and service provider;

"(6) No person shall claim an abatement pursuant to this section unless the person occupies real property in the District before January 1, 2011;

"(7) No person shall claim an abatement pursuant to this section for an aggregate period of more than 10 years; and

"(8) Notwithstanding any other provision of this section, no person shall claim an abatement pursuant to this section prior to October 1, 2010.

"(c) If the real property that is the subject of the abatement under section (b) of this section is a portion of a larger unit of real property that is assessed for real property tax under Chapter 8 of this title, the abatement shall be applied by reducing the assessment of the larger

ENROLLED ORIGINAL

unit of real property by the ratio that the square footage of the occupied portion bears to the square footage of the larger unit of real property.

“(d) The abatement shall be deducted from the real property tax bill or by issuing a refund (in the same amount as what would have been the abatement) to the high technology commercial real estate database and service provider, notwithstanding § 47-811.02, at the discretion of the Office of Tax and Revenue. The Office of Tax and Revenue may apply the abatement to any half of the tax year.

“(e) If the high technology commercial real estate database and service provider shall cease to qualify for the abatement, the abatement shall cease on the first day of the month following the day when the Mayor certifies the disqualification to the Office of Tax and Revenue.

“(f) The Mayor shall certify to the Office of Tax and Revenue the identity of each high technology commercial real estate database and service provider for which compliance under subsection (b) of this section has been verified by the Mayor, a description of each real property that is the subject of the abatement provided by this section, and the date on which the abatement shall begin.

“(g) The abatement pursuant to this section shall apply once the high technology commercial real estate database and service provider has certified to the Department of Employment Services that the provider has hired at least 100 employees residing in the District of Columbia beyond the number of employees residing in the District of Columbia as of January 5, 2010 (“baseline number”); provided, that the high technology commercial real estate database and service provider shall maintain the baseline number throughout the entire term of the abatement. The failure to maintain the baseline number shall result in the forfeiture of the abatement during any period in which the baseline number is not met.

“(h) Funds shall be sufficient within an approved budget and financial plan to support the fiscal impact of a tax abatement under this section.”

Sec. 3. Funding for tax abatements for high technology commercial real estate database and service providers.

The Office of the Deputy Mayor for Planning and Economic Development shall transfer up to \$700,000 annually from the industrial revenue bond special account established under D.C. Official Code § 47-131(c)(4), or other appropriate fund, to the General Fund of the District of Columbia to offset revenue reductions for qualified high technology commercial real estate database and service providers.

Sec. 4. Development of comprehensive strategy for attracting business.

The Mayor shall develop a comprehensive strategy, within 90 days of the effective date of this act, that identifies a uniform process for attracting businesses to the District of Columbia.

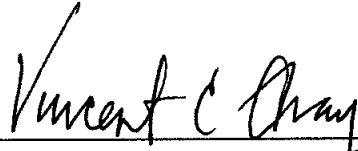
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Sec. 5. Fiscal impact statement.

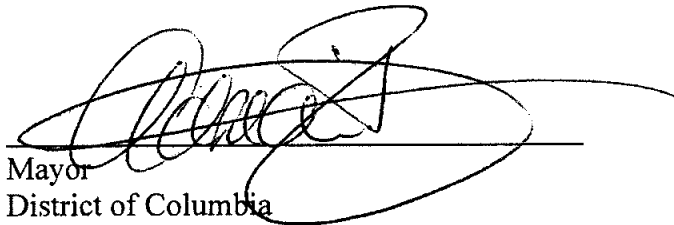
The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 14, 2009, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 25, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-296

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2010Codification
District of
Columbia
Official Code

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend, on a temporary basis, the Hospital and Medical Services Corporation Regulatory Act of 1996 to define a public-private partnership, to authorize hospital and medical services corporations to enter into a public-private partnership, to extend the timeline allowed for the Commissioner to determine the surplus of a hospital and medical services corporation, to authorize the Commissioner to certify an ongoing public-private partnership, to allow a public-private partnership to substitute for the requirements of the open enrollment program; to amend the Healthy DC Act of 2008 to change eligibility requirements and premium limitations for the Healthy DC Program; to amend the Life Insurance Act, the Health Maintenance Organization Act of 1996, and section 47-2608 of the District of Columbia Official Code to make conforming amendments; and to repeal section 3 of the Medical Insurance Empowerment Surplus Review Temporary Amendment Act of 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Hospital and Medical Services Corporation Regulatory Temporary Amendment Act of 2010".

Sec. 2. The Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-3501) is amended as follows:

(1) Designate paragraph (7A) as paragraph (7B).

(2) A new paragraph (7A) is added to read as follows:

“(7A) Public-private partnership” means a mutually acceptable written agreement between the Mayor and a hospital and medical services corporation that is certified by the Commissioner upon the execution and delivery of the agreement by the parties and which agreement:

“(A) Shall include the following provisions:

“(i) A \$5 million annual payment to the Healthy DC Fund (or

Note,
§ 31-3501

ENROLLED ORIGINAL

appropriate successor fund) by the hospital and medical services corporation to be used for subsidies that expand health insurance coverage for low-income District residents;

“(ii) A targeted city-wide health care initiative aimed at improving nutrition and increasing physical fitness among the District’s senior citizens, or another comparable health promotion program;

“(iii) A term not to exceed 5 years, subject to extension upon the mutual written agreement of the parties;

“(iv)(I)(aa) The maintenance and support of the existing District open enrollment program as it operated prior to the enactment of the Medical Insurance Empowerment Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-369; 56 DCR 1346)(“open enrollment program”), which program has an estimated average premium of \$357 per member per month, and the enhancement of the open enrollment program by offering a new health maintenance organization product that includes comprehensive benefits with an average initial premium currently estimated at about \$300 per member per month, which average may vary based upon age and family status, and subject to other reasonable adjustments, but with no adjustments for gender or pre-existing conditions.

“(bb) The annual premium rate of the existing open enrollment program shall not exceed 125% of the comparable medically underwritten product and shall be determined once every 12 months. The benefit package of the health maintenance organization product shall include, at a minimum, primary care services, specialist services, temporomandibular joint problems chiropractic services, mental health and addiction treatment, organ transplantation, treatment for morbid obesity, open heart surgery, and pharmaceutical benefits.

“(cc) The medical loss ratio of the health maintenance organization product to be utilized in rate filings and determinations shall not exceed 150%;

“(II) Under the open enrollment program pursuant to sub-sub-subparagraph (I) of this sub-subparagraph:

“(aa) Current members shall be permitted to maintain the option to continue their current open enrollment program coverage or opt for the new health maintenance organization product;

“(bb) New open enrollment members shall only be offered the new health maintenance organization product; and

“(cc) Total enrollment under subparagraph A)(iv)(I) of this paragraph shall be capped at 2,500;

“(v) Participation in the open enrollment program (including the health maintenance organization product) may be limited to District residents, which shall be subject to periodic confirmation; and

“(vi)(I) A corporation shall prominently advertise the availability of the new open enrollment health maintenance organization product continuously on the

ENROLLED ORIGINAL

Internet and at least quarterly in a newspaper of general circulation throughout the District.

“(II) The content and format of the advertising shall be filed with the Commissioner no less than 30 days before its appearance in a newspaper or on the Internet;

“(B) May include the following provisions:

“(i) Authority for the Commissioner to grant a hospital and medical services corporation reasonable relief from the requirements of the agreement, such as if federal or state health care reforms make the requirements unnecessary or redundant or if the corporation does not meet a financial performance or similar test as specified in the agreement; provided, that any relief granted shall not affect the certification of the agreement by the Commissioner or the status of the agreement as a public-private partnership for all purposes under this act; and

“(ii) Reasonable expiration and termination provisions; and

“(C) Shall be effective upon the certification of the Commissioner.”

(b) Section 6(e) (D.C. Official Code § 31-3505(e)) is amended to read as follows:

Note,
§ 31-3505

“(e) The applicant has:

“(1) Made provision for compliance with the open enrollment requirements of section 15, including the providing of other public services in the District; or

“(2) Has entered into a public-private partnership.”

(c) Section 7 (D.C. Official Code § 31-3506) is amended as follows:

Note,
§ 31-3506

(1) Subsection (e) is amended by striking the first sentence and inserting the phrase “The Commissioner may, on an annual basis, and shall, on a basis no less frequently than every 3 years, review the portion of the surplus of the corporation that is attributable to the District and may issue a determination as to whether the surplus is excessive. Any such review shall be undertaken in coordination with the other jurisdictions in which the corporation conducts business.” in its place.

(2) Subsection (f) is amended by striking the phrase “section 15” and inserting the phrase “section 15 and payments and expenditures pursuant to a public-private partnership” in its place.

(3) A new subsection (j) is added to read as follows:

“(j) The existence of a public-private partnership shall not preclude the Commissioner’s surplus evaluation of the corporation or diminish the Commissioner’s authority to issue directives to the corporation pursuant to the evaluation.”

(d) Section 7a(a) (D.C. Official Code § 31-3506.01(a)) is amended as follows:

Note,
§ 31-3506.01

(1) Strike the phrase “dedicate excess surplus” and insert the phrase “dedicate excess surplus or to verify that the corporation is participating in a public-private partnership.” in its place.

(2) Strike the phrase “or the corporation’s compliance with its plan,” and insert the phrase “or the corporation’s compliance with its plan, or when verifying the corporation’s participation in a public-private partnership” in its place.

ENROLLED ORIGINAL

(e) Section 15 (D.C. Official Code § 31-3514) is amended by adding new subsections (p), (q), and (r) to read as follows:

Note,
§ 31-3514

“(p) In lieu of the requirements of subsection (m) through (o) of this section, the corporation may enter into a public-private partnership.

“(q) The corporation shall submit an annual report to the Mayor regarding the open enrollment program. The Mayor shall determine the format and content of the report; provided, that the report shall include:

“(1) Membership distribution by:

“(A) Age

“(B) Gender;

“(C) Ward;

“(D) Zip code;

“(E) Race/ethnicity;

“(F) Income; and

“(F) The amount of time in the program;

“(2) The number of members by contract type;

“(3) Program expenditures for:

“(A) Inpatient services;

“(B) Outpatient services;

“(C) Behavioral health services; and

“(D) Prescription drugs;

“(4) Average premium;

“(5) Premium levels by age; and

“(6) The number of members that have reached the:

“(A) Out-of-pocket maximum expenditure; and

“(B) Annual prescription drug benefit maximum.

“(r) The public-private partnership shall be certified by January 31, 2010.”.

Sec. 3. The Healthy DC Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 4-631 *et seq.*), is amended as follows:

(a) Section 5043(a) (D.C. Official Code § 4-633(a)) is amended as follows:

Note,
§ 4-633

(1) Paragraph (2) is amended by striking the phrase “between 200% and” and inserting the phrase “not exceeding” in its place.

(2) Paragraph (4)(C) is amended as follows:

(A) Strike the phrase “employer based”.

(B) Strike the word “premium”.

(b) Section 5044(b) (D.C. Official Code § 4-634(b)) is amended to read as follows:

Note,
§ 4-634

“(b) The Program shall limit annual premium costs for program participants as follows:

“(1) For a program participant with a gross household income of 300% of the

ENROLLED ORIGINAL

federal poverty guidelines or less, the annual premium shall not exceed 3% of the participant's gross household income; and

"(2) For a program participant with a gross household income that exceeds 300% of the federal poverty guidelines, the annual premium shall not exceed 5% of the participant's gross household income."

(c) Section 5045(a) (D.C. Official Code § 4-635(a)) is amended by striking the phrase "July 1, 2009" and inserting the phrase "January 1, 2010" in its place.

Note,
§ 4-635

Sec. 4. Conforming amendments

(a) Section 650(c) of the Insurance Act, approved March 3, 1901 (31 Stat. 1291; D.C. Official Code § 31-205(c)), is amended by striking the phrase "payment to the rate stabilization fund under section 15 of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3514)," and inserting the phrase "payment to the rate stabilization fund under section 15 of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3514), and payments and expenditures pursuant to a public-private partnership entered into in accordance with the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*)," in its place.

Note,
§ 31-205

(b) Section 4a of the Health Maintenance Organization Act of 1996, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 31-3403.01), is amended by striking the phrase "District Medicaid program," and inserting the phrase "District Medicaid program, the Healthy DC Program," in its place.

Note,
§ 31-3403.01

(c) Section 47-2608(a-1) of the District of Columbia Official Code is amended by striking the phrase "payment to the rate stabilization fund under § 31-3514" and inserting the phrase "payment to the rate stabilization fund under § 31-3514 and payments and expenditures pursuant to a public-private partnership entered into in accordance with the provisions of Chapter 5 of Title 31" in its place.

Note,
§ 47-2608

(d) Section 3 of the Medical Insurance Empowerment Surplus Review Temporary Amendment Act of 2009, signed by the Mayor on October 9, 2009 (D.C. Act 18-204; 56 DCR 8148), is repealed.

Sec. 5. Fiscal impact statement.

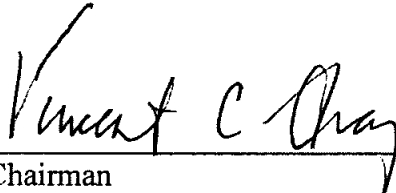
The Council adopts the fiscal impact statement in the committee report for the Hospital and Medical Services Corporation Regulatory Amendment Act of 2009, signed by the Mayor on November 30, 2009 (D.C. Act 18-239; 56 DCR 9182), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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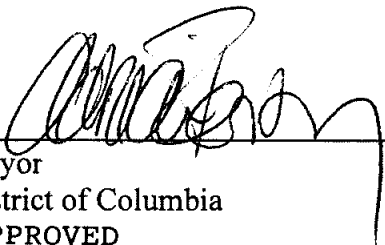
Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-297

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2010

To authorize, on a temporary basis, the Mayor to enter into an agreement between the District of Columbia and Boys and Girls Club of Greater Washington and to make payments under the agreement, and to authorize the Mayor to enter into a contract with the Boys and Girls Club of Greater Washington for the acquisition of certain real property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Agreements Between the District of Columbia and Boys and Girls Club of Greater Washington Temporary Approval Act of 2010".

Sec. 2. Approval of services and activities agreement.

(a) Notwithstanding the provisions of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.01 *et seq.*), the Mayor may enter into the agreement ("Agreement") between the District of Columbia and Boys and Girls Club of Greater Washington ("BGCGW"), titled "Agreement Between the District of Columbia Department of Parks and Recreation and the Boys and Girls Clubs of Greater Washington for Certain Services and Payments," and may make payments, including direct payments, authorized by the Agreement, including payments for services received and to be received.

(b) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves the Agreement as a contract involving expenditures in excess of \$1 million during a 12-month period.

(c) The provisions of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; 52 DCR 2331) ("Act"), shall not apply to the Agreement; provided, that BGCGW shall comply with the criminal background check standards of the Act.

ENROLLED ORIGINAL

Sec. 3. Approval of acquisition contract.

Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding sections 1806c and 1806d of the Office of Property Management Establishment Act of 1998, effective March 16, 2005 (D.C. Law 15-238; D.C. Official Code §§ 10-1008 and 10-1009), the Council approves the agreement between the District of Columbia and BGCGW for the acquisition by the District of Lots 964 and 1010, Square 1299, Lot 0802, Square 1088 and Lot 0205, Square 2662 as both a multiyear contract and a contract involving expenditures in excess of \$1 million during a 12-month period.

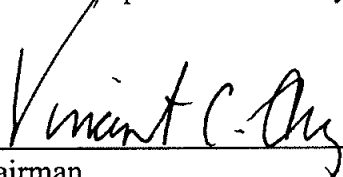
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

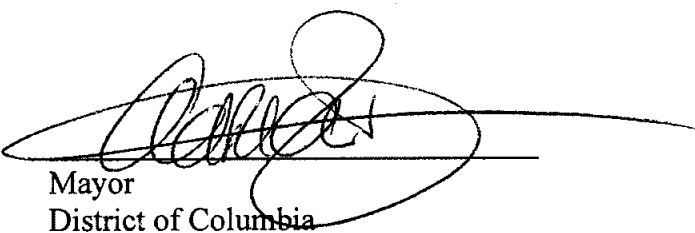
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-298

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend, on a temporary basis, the Prevention of Child Abuse and Neglect Act of 1977 to amend the definition of case plan to include additional requirements for any child in foster care whose permanency plan is placement with a relative guardian and receipt of kinship guardianship assistance and to include a plan for ensuring the educational stability of a child in foster care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prevention of Child Abuse and Neglect Temporary Amendment Act of 2010".

Sec. 2. Section 102(3) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(3)), is amended by adding new subparagraphs (F) and (G) to read as follows:

Note,
§ 4-1301.02

"(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under D.C. Official Code § 16-2399, a description of the:

"(i) Steps taken to determine that it is not appropriate for the child to be returned home or adopted;

"(ii) Reasons for any separation of siblings during placement;

"(iii) Reasons a permanent placement with a fit and willing relative through a kinship guardianship-assistance arrangement is in the child's best interests;

"(iv) Ways in which the child meets the eligibility requirements for a kinship guardianship-assistance payment;

"(v) Efforts made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore; and

"(vi) Efforts made to discuss with the child's parent the kinship guardianship-assistance arrangement, or the reasons the efforts were not made; and

ENROLLED ORIGINAL

"(G) A plan for ensuring the educational stability of the child while in foster care, including:

"(i) Assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

"(ii)(I) An assurance that the Agency has coordinated with appropriate local educational agencies, as defined under section 601(f) of the Elementary and Secondary Education Act of 1965, approved April 11, 1965 (79 Stat. 27; 20 USC § 7801)), to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

"(II) If remaining in the school the child is enrolled in at the time of placement is not in the best interests of the child, assurances by the Agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school."

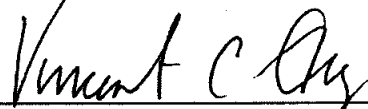
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

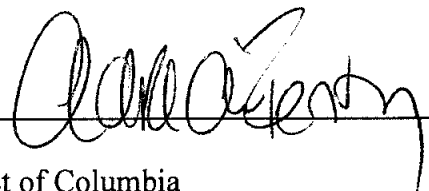
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 22, 2010
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-299

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To designate, on a temporary basis, the District's annual city title high school boys and girls championship basketball games and title trophy the Abe Pollin City Title Championship and Abe Pollin City Title Trophy, in honor of the late Abe Pollin.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abe Pollin City Title Championship and Title Trophy Designation Temporary Act of 2010".

Sec. 2. The Council designates the District's city title high school boys and girls championship basketball games, organized by the District of Columbia Public Schools, as the "Abe Pollin City Title Championship" and the title trophy as the "Abe Pollin City Title Trophy".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

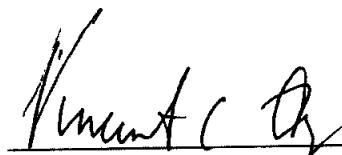
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

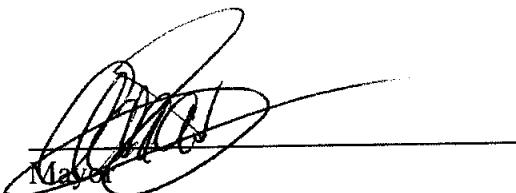
ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-300

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To prohibit, on a temporary basis, the Mayor from making grants of more than \$1 million from the General Fund of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Executive Grant-Making Authority Limitation Temporary Act of 2010".

Sec. 2. Notwithstanding any other provision of law, all Executive agencies, excluding independent Executive branch agencies, are prohibited from issuing any grants from the General Fund of the District of Columbia, including local funds, special purpose revenue funds, and dedicated taxes, and intra-District funds derived from sources of the General Fund of the District of Columbia in excess of \$1 million, except as expressly authorized for a specific project in a statute or in section 4.

Sec. 3. Notwithstanding any other provision of law, all independent Executive branch agencies are prohibited from issuing any grants in excess of \$1 million from funds derived from an intra-District transfer or Memorandum of Understanding.

Sec. 4. Nothing in this act shall be construed to prohibit the issuing of grants from federal funds, private funds, and any funds from the General Fund of the District of Columbia that are part of the maintenance of effort for a federal grant.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

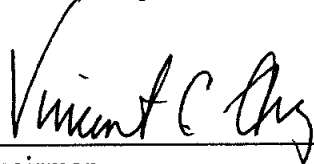
Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional

ENROLLED ORIGINAL

review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 25, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-301

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
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Publisher

To require, on a temporary basis, the Chief Financial Officer to stop payment at midnight on January 20, 2010, on all retroactive contracts that have not been ratified by the Council by act, and to require written confirmation from the Mayor, the City Administrator, or the Chief Procurement Officer that all known retroactive contracts have been submitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unauthorized Contract Stop Payment Temporary Act of 2010".

Sec. 2. The Council finds that:

(1) For option-year contracts:

(A) All option-year contracts over \$1 million are required by law to be sent to the Council for review.

(B) Section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51) ("HRA"), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a) ("PPA"), unambiguously provide that option-year contracts over \$1 million shall be submitted to the Council.

(C) Notwithstanding the clear requirements of the HRA and of the PPA, the Council restated and further clarified that option-year contracts over \$1 million must be submitted to the Council in the Criteria for Council Review of Contract Options Clarification Emergency Amendment Act of 2009, effective October 15, 2009 (D.C. Act 18-207; 56 DCR 8228), and the Criteria for Council Review of Contract Options Clarification Amendment Act of 2009, passed on 4th reading on September 22, 2009 (Enrolled version of B18-203).

(D) A contract is either a multiyear contract that requires active Council approval, or it is a one-year contract and its option years must be resubmitted to the Council for review and approval.

(E) The January 7, 2009, opinion e-mailed from the Attorney General to all agency contracting officers stating that option-year contracts do not have to be submitted to the Council is contrary to the clear letter of the law and of no effect.

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(F) Any option-year contract that is over \$1 million and has not been submitted to the Council in accordance with the HRA is in violation of section 451 of the HRA.

(2) For contracts with independent agencies:

(A) All independent agency contracts over \$1 million shall be sent to the Council through the same review process for contracts of subordinate executive agencies.

(B) All multiyear independent agency contracts shall be sent to the Council for active approval.

(C) Any independent agency contract not submitted to the Council in accordance with the HRA is in violation of section 451 of the HRA.

(3) For retroactive contract payment authorization:

(A) All contracts that have not properly been submitted to the Council are in violation of section 451 of the HRA, unless ratified by an act of the Council.

(B) The memorandum of opinion of the Attorney General, dated October 26, 2009, which states that contracts entered into unlawfully are nonetheless legally binding, is contrary to the clear letter of the law and of no effect.

Sec. 3. (a) Based upon the findings in section 2, the Council directs the Chief Financial Officer to stop payment on all retroactive contracts with authority of over \$1 million (including option-year and independent Executive branch agency contracts), issued from January 1, 2009, to December 31, 2009, at midnight on January 20, 2010, unless these contracts have been ratified by the Council by act.

(b) Written correspondence shall be provided by January 20, 2010, to the Council of the District of Columbia and the Office of the Chief Financial Officer that has been signed by the Mayor, the City Administrator, or the Chief Procurement Officer affirming that all known retroactive contracts with authority of over \$1 million (including option-year and independent Executive branch agency contracts) issued from January 1, 2009, to December 31, 2009, have been submitted to the Council for ratification.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

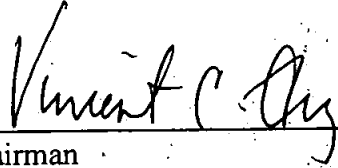
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 25, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-302IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 25, 2010*Codification
District of
Columbia
Official Code*

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Publisher

To amend, on a temporary basis, the Anacostia River Cleanup and Protection Act of 2009 to allow retail establishments a grace period to deplete existing stock of nonconforming plastic and paper disposable carryout bags.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anacostia River Clean Up and Protection Clarification Temporary Amendment Act of 2010".

Sec. 2. Section 10 of the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; 56 DCR 5703), is amended to read as follows:

"Sec. 10. Applicability.

"Sections 2 and 4 through 6 shall apply as of January 1, 2010. Section 3 shall apply as of April 1, 2010."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

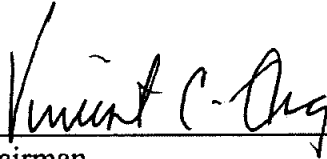
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

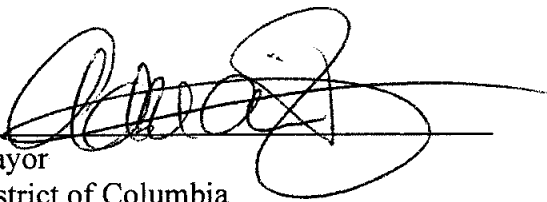
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 25, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-303

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
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Publisher

To amend, on an emergency basis, the Recreation Act of 1994 to authorize the Department of Parks and Recreation to solicit advertisements and sponsorships for the 24th Annual Black History Invitational Swim Meet.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Parks and Recreation Advertisement Authority Emergency Amendment Act of 2010".

Sec. 2. Section 4 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303), is amended by adding a new subsection (e) to read as follows:

Note,
§ 10-303

"(e)(1) Notwithstanding any other provision of District law, the Department shall have the ability to solicit, pursuant to all applicable contracting and procurement guidelines, advertisements and sponsorship for the 24th Annual Black History Invitational Swim Meet.

"(2) The Department shall submit to the Council, for a 10-day review period, including weekends and holidays, rules regarding the types of advertisements allowed pursuant to this subsection, with an emphasis on advertisements with athletic and physical fitness themes.

"(3) The Department shall not have the ability to assign the ability to solicit advertisements or sponsorships to any other party.

"(4) All proceeds received from advertisements and sponsorships shall be deposited into the Fund pursuant to this section."

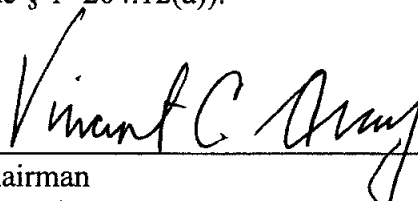
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

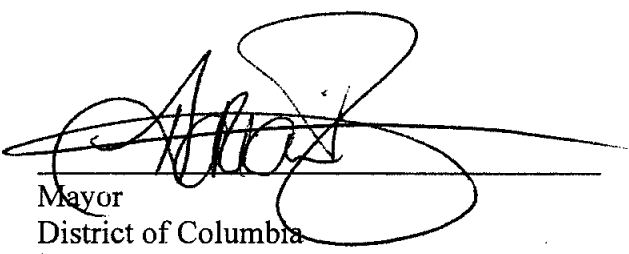
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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 26, 2010